

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA BROUGHEL,

Plaintiff,

-against-

THE BATTERY CONSERVANCY, WARRIE
PRICE, CLAIRE WEIZ AND MARK YOES,
“DBA” WEISZ + YOES,

Defendants

Case No. 07-cv-7755 (GBD)

DECLARATION

JARRETT M. BEHAR, an attorney duly admitted to practice law before the Courts of the State of New York and the United States District Court for the Southern District of New York, affirms the following to be true under the penalty of perjury:

1. I am an associate of the law firm of Sinnreich & Kosakoff LLP, attorneys for defendants Claire Weisz and Mark Yoes d/b/a Weisz + Yoes Architecture s/h/i as Claire Weisz and Mark Yoes “DBA” Weisz + Yoes (“W+Y”). I submit this Declaration in support of W+Y’s motion for an Order, pursuant to Fed. R. Civ. P. 12(c), granting W+Y judgment on the pleadings dismissing the First Amended Complaint.

2. Annexed hereto as Exhibit 1 is a copy of the First Amended Complaint, with annexed exhibits (Docket No. 13).

3. Annexed hereto as Exhibit 2 is a copy of the Answer and Counterclaim of defendants The Battery Conservancy and Warrie Price, with annexed exhibits (Docket No. 20).

4. Annexed hereto as Exhibit 3 is a copy of the plaintiff's Reply to Counterclaim (Docket No. 9).

5. Annexed hereto as Exhibit 4 is a copy of W+Y's Answer to the First Amended Complaint (Docket No. 13).

6. It is respectfully submitted that, upon the accompanying Memorandum of Law, the Memorandum of Law in Support of Defendants' Motion for Judgment on the Pleadings, filed on behalf of defendants The Battery Conservancy and Warrie Price on March 3, 2008 (Docket No. 23), and the pleadings and prior proceedings in this action, the Court should issue an Order, pursuant to Fed. R. Civ. P. 12(c), granting W+Y judgment on the pleadings dismissing the First Amended Complaint, together with such other and further relief as this Court deems just and proper.

Dated: Central Islip, New York
April 4, 2008

/s/ Jarrett M. Behar
JARRETT M. BEHAR (JB-4983)

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